REMARKS

In response to the Final Office Action mailed September 10, 2007 (hereinafter "Final Action"), claims 24-37, 40-49, and 52-54 have been amended. No claims have been cancelled or newly added. Therefore, claims 3-20, 24-37, 40-49, and 52-54 remain pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

INFORMATION DISCLOSURE STATEMENT

Applicant is submitting herewith a Supplemental Information Disclosure Statement and respectfully requests that the Examiner consider the cited references and provide a signed copy of the Form PTO-1449 for this submission with the next Office Action.

REJECTIONS UNDER 35 U.S.C. § 101

Claims 3-20, 24-37, 40-49, and 52-54 stand rejected under 35 U.S.C. § 101 as *allegedly* being directed to non-statutory subject matter [Final Action, pgs. 2-6]. Applicant traverses this rejection for *at least* the reason that the Examiner is improperly reading limitations into 35 U.S.C. § 101 on the subject matter that may be patented.

The Court of Appeals for the Federal Circuit has stated that "it is improper to read limitations into Section 101 on the subject matter that may be patented...that Congress clearly did not intend..." *State St. Bank & Trust Co. v. Signature Fin. Group, Inc.*, 149 F.3d

1368, 1373 (Fed. Cir. 1998) In *State St.*, the court stated that the transformation of data at issue constituted a practical application (and was thus directed to statutory subject matter), because "it produc[ed] a useful, concrete, and tangible result..." *Id.* (internal quotes omitted).

In the instant application, the subject matter of claims 3-20, 24-37, 40-49, and 52-54 is directed to statutory subject matter because, as in *State St.*, these claims produce "a useful, concrete, and tangible result." For example, the claims recite, among other things, retrieving from a database, information relating to one or more analysts' historical estimates (or recommendations) and determining, based in part on the retrieved information, an indication of historical accuracy (or performance) for the one or more analysts. The ability to then display an indication of the the determined historical accuracy or historical performance along with other information (*e.g.*, estimates for future events, current recommendations, *etc.*) based on selections made by a user (e.g., for certain analysts, certain securities, *etc.*) represents a useful, concrete, and tangible result.

Accordingly, the rejection of claims 3-20, 24-37, 40-49, and 52-54 under 35 U.S.C. § 101 is improper and should be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 3-20, 24-37, 40-49, and 52-54 stand rejected under 35 U.S.C. § 112, second paragraph, as *allegedly* being incomplete for omitting essential steps, such omission amounting to a gap between the steps. Relying on MPEP § 2172.01, the Examiner recites:

> Claims 3-20, 24-37, 40-49, and 52-54 recite the limitation "a user-selected security and/or a selected future event and/or

> selected analysts". However, there are no steps in these claims that perform the step of selection. Also it is not clear what a "a user-selected security" has to do with the steps of retrieving, from a database and determining an indication of historical accuracy for the one or more analysts because there is nothing in these steps that ties these steps to a security. Appropriate clarification/correction is required.
>
> [Final Action, pg. 6, ¶5].

Applicant traverses this rejection because the existing claim language is clearly definite and would not prevent a person of ordinary skill in the art from interpreting the metes and bounds of the claims as the claims currently stand. The Examiner has failed to provide any evidence to the contrary. The statutory requirement of § 112, ¶2 serves the purpose of "reasonably appris[ing] those skilled in the art of the scope of the invention, § 112 demands no more." *Solomon v. Kimberly-Clark Corp.*, 216 F.3d 1372, 1378, 55 U.S.P.Q.2d 1279, 1283 (Fed. Cir. 2000). As such, Applicant is entitled to claim the invention with a *reasonable* degree of clarity and precision, as only insolubly ambiguous claims are to be considered indefinite. *See Metabolite Labs., Inc. v. Lab. Corp.*, 370 F.3d 1354, 1366, 71 U.S.P.Q.2d 1081, 1089 (Fed. Cir. 2004); *see also Xerox Corp. v. 3Com Corp.*, 458 F.3d 1310, 1323 (Fed. Cir. 2006).

Despite the Examiner's contention, it is not necessary to have explicit steps in the claim that recite performance of a step of selection in order for the claims to be considered clear and definite. By contrast, it is readily apparent from recitations of "user-selected" in the claim language that a user is making certain selections pertaining to analysts, securities, *etc.*

Moreover, it is also clear from the claim language that the information relating to one or more analysts' historical estimates (or recommendations) retrieved from the database is used, in part, to determine an indication of historical accuracy (or performance) for the one or more analysts. This information is then displayed along with other information (*e.g.*, estimates for future events, current recommendations, *etc.*) based on selections made by a user (e.g., for certain analysts, certain securities, *etc.*). There is nothing ambiguous about the existing claim language.

Accordingly, for at least the foregoing reasons, it is clear that the existing claim language is clearly definite and would not prevent a person of ordinary skill in the art from interpreting the metes and bounds of the claims as the claims currently stand. As such, the Examiner has failed to meet the burden for establishing indefiniteness under § 112, ¶2. Accordingly, withdrawal of the rejection of claims 3-20, 24-37, 40-49, and 52-54 under 35 U.S.C. § 112, ¶2 is earnestly sought.

CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: **October 30, 2007**

Respectfully submitted,

By: _____

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